THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19455 of 1996

18.04.2006

Between:

Yatrinthala Malakondaiah and others

...Petitioners

Vs.

The District Collector, Nellore District, Nellore and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19455 OF 1996

ORDER:

The petitioners, who are seventeen in number, filed the writ petition seeking a writ of Mandamus declaring that the land in survey Nos.76 and 498/3 situated at Dantupalem village, hamlet of Kavali Musthapuram, Kanigiri Mandal, Nellore District is graveyard and Manda Bayalu. They also seek a direction to the respondents to maintain the land in those survey numbers for communal purposes.

Counter affidavit is filed by the Mandal Revenue Officer; third respondent herein – stating that the land in survey Nos.76 and 498/3 is classified as assessed waste land and that the same is not classified as graveyard. It is also stated that pattas were granted to the third parties in respect of the land in the said survey numbers. No reply affidavit is filed by the petitioners denying the same. It is also not denied that unless and until appropriate proceedings are issued by the District Collector reclassifying the land as graveyard, this Court cannot issue Mandamus declaring the said land as graveyard. If the petitioners are aggrieved by lack of graveyard, they may approach the District Collector or the Gram Panchayat for appropriate orders. In this writ petition, no relief can be granted to the petitioners as prayed for.

The writ petition, for the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

18.04.2006

pln